

JAN 20 2004

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FACSIMILE COVER LETTER

To: Examiner Jennifer Boyd
Firm: United States Patent and Trademark Office, Group Art Unit 1771
Facsimile: (703) 872-9306
From: Thomas J. Kowalski
Date: January 20, 2003
Re: U.S.S.N. 09/837,739
Number of Pages: 11
(including cover page)

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00170167

PATENT
540606-2001IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jim Reich
Serial No. : 09/837,739
Filed : April 6, 2001
For : **ANTIMICROBIAL FABRICS**
Group Art Unit: 1771
Examiner : Jennifer Boyd

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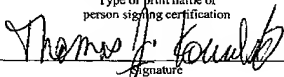
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I hereby certify that this paper is being facsimile transmitted to the
Patent and Trademark Office on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147

Type or print name of
person signing certification

Signature

January 20, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is respectfully invited to the following documents listed on the accompanying Form PTO-1449, enclosed in duplicate. As this Information Disclosure Statement is being filed under Rule 37 C.F.R. §1.97 (b)(3), prior to the mailing of a first Office Action, it is believed that no fees are due. However, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in fees, to Deposit Account 50-0320.

This Information Disclosure Statement is not a representation that the documents cited herein are considered most pertinent, or that a search has been undertaken, or that any of the cited documents are indeed prior art.

PATENT
540606-2001

The Contain clothing described in the accompanying document is manufactured and sold by Vest-Shield, Inc., a company with which Anthony Newman appears to be associated. Newman is the named inventor of U.S. Patent 6,000,057 ("the '057 patent"), which involves and claims "hunting apparel comprising an article of clothing constructed with an inner layer of an antimicrobial fabric and outer layer of an odor absorbing material."

It is respectfully submitted that the fabric used in Contain clothing is not that described in the '057 patent; and that the '057 patent does not teach or suggest the instant invention. The '057 patent discloses that the antimicrobial fabric "is available from a number of sources" and that a "preferred family of antimicrobial fabrics are the fabrics available from the Microban Products Company under the Microban® mark, such as Microsafe® fabric" (see column 1, lines 55-61).

Simply, the antimicrobial layer of the fabric of the '057 patent is made entirely of antimicrobial fabric; the '057 patent does not teach, suggest or contemplate blending the antimicrobial fabric with other materials, including polyester to create a blended antimicrobial layer. Accordingly, the '057 patent fails to teach or suggest the instant invention.

In contrast, the Contain clothing seems to involve only a percentage of an acrylic purportedly containing a "built-in deodorant." Of course, "acrylic" is not acetate.

Moreover, as the prosecution history of the present application is now available online, the undersigned only now has a copy of the October 29, 2002 facsimile of Tony Newman to the Examiner. While Mr. Newman's facsimile to the Examiner appears to NOT to comply with the Rules, see, e.g., 37 C.F.R. §1.290, the documents cited by Mr. Newman can readily be distinguished from the instant invention.

The documents cited by Mr. Newman do not teach or suggest the fabric and garment of the instant claims. There is no teaching or suggestion of the acetate fiber being at least 25% by weight of the fabric; and no incentive or motivation to modify that which Newman cites to arrive at the claim recitation. There is no teaching or suggestion that the fibers are entwined as in the present claims, or that the polyester is semi-dull. And, there is no teaching or suggestion in the Newman documents that the fabric is an odor-reducing garment, e.g., an odor-reducing hunting garment, as in the present claims.

Thus, it is believed that the application is in condition for allowance.

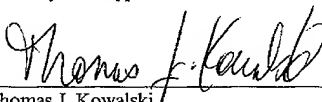
PATENT
540606-2001

Applicant respectfully requests that the Examiner consider and make of record the documents cited herein and that a copy of Form PTO-1449, appropriately initialed by the Examiner, be returned to Applicant's attorney.

Respectfully submitted,

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Attorneys for Applicants

By:



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Sheet 1 of 1

Based on Form PTO-1449 (3/90) LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)				ATTY. DOCKET NO.		SERIAL NO.	
				540606-2001		09/837,739	
				APPLICANT			
				Reich			
FILING DATE				GROUP			
April 6, 2001				1771			

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,000,057	14 Dec 1999	Newman			
	AB						
	AC						
	AD						
	AE						
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	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AQ		http://www.containclothing.com/how.asp - Page from Vest-Shield, Inc. website describing Contain clothing line.
	AR		
	AS		
	AT		
	AU		
	AV		

EXAMINER	DATE CONSIDERED
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Document3

Sheet 1 of 1

Based on Form PTO-1449 (3/90)				ATTY. DOCKET NO. 540606-2001		SERIAL NO. 09/837,739	
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT Reich			
				FILING DATE April 6, 2001		GROUP 1771	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,000,057	14 Dec 1999	Newman			
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
	AL						
	AM						
	AN						
	AO						
	AP						

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AQ		http://www.containshoes.com/how.asp - Page from Vest-Shield, Inc. website describing Contains clothing line.
	AR		
	AS		
	AT		
	AU		
	AV		

EXAMINER	DATE CONSIDERED
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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